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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,358

11/26/2003

Heiko Glienicke

1020/013PUS1

6146

60601 7590 03/18/2008
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EXAMINER

CHOI, JACOB Y

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

03/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/721,358</p>	<p>Applicant(s) GLIENICKE ET AL.</p>	
	<p>Examiner JACOB Y. CHOI</p>	<p>Art Unit 2885</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: 20 and 21.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jacob Y Choi/
Primary Examiner, Art Unit 2885

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed February 29, 2008 have been fully considered but they are not persuasive. The Final Office action filed on October 4, 2007 is restated and further clarified.

In response to applicant's argument that the references (USPN 6,590,174) fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "... a light rotor that extends towards the optical light guide is a height necessary for light transport, and a light source located below the light rotor") are clearly disclosed/shown by the cited prior art, Zysnarski et al. (USPN 6,590,174). The Examiner has carefully determined the scope of a claim by thoroughly analyzing the language of the claim. However, the result claims do not clearly overcome the cited prior art rejections. To clarify, applicant is reminded that claims in a pending application are given their broadest reasonable interpretation, including the phrase "a light rotor". In re Pearson, 181 USPQ 641 (CCPA 1974). Zysnarski et al. states in column 5, lines 5-7; "... interior surface 58 of the knob 14 may reflect light", where the Examiner reasonably interpreted the rotor of Zysnarski et al. is "a light rotor", because the rotor has an association with reflection of light. Zysnarski et al. clearly shows the rotor that extends toward (e.g., see Figure below) the optical light guide for light transport (e.g., column 5, lines 5-7; "... interior surface 58 of the knob 14 may reflect light, which ends up being transmitted through the gap 58"). Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. In re Mraz, 173 USPQ 25 (CCPA 1972). In addition, the term "transport" is defined as to carry, move, or convey from one place to another, thus the Examiner has reasonably interpreted the term accordingly.

In response to applicant's argument that the references (e.g., 6,224,221) fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "... the light from the light source 9 located below the light rotor 7 is transported through the light rotor 7 into the upper region, where it is coupled to the optical light guide 6 for backlighting") are not recited in the rejected claim(s). However, recited claims are clearly disclosed/shown by the cited prior art, Glienicke. The result claims do not clearly overcome the cited prior art rejections. To further clarify, the phrase "a light rotor" is clearly disclosed by the cited reference, see column 2, lines 60-65; "... the light-transmitting body 6 of the rotatable knob 1 may possess a light emergence direction (arrow) which acts to illuminate a translucent area 19 with a pointer projection 20 in the rotatable knob 1". In addition, Glienicke clearly shows (e.g., see Figure below) "a light rotor that extends toward the optical guide" and "the two parts being partially separated by an annular slot, such that parts of the panel engage or project into the slot". Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. In re Mraz, 173 USPQ 25 (CCPA 1972).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, claims are properly rejected under 35 USC § 102 and 103, as explained above.